

REMARKS

This Amendment and Reply is intended to be completely responsive to the Final Office Action mailed October 8, 2009. The Applicants respectfully request reconsideration of the present Application in view of the foregoing amendments and in view of the reasons that follow. Claims 1-35 and 44-47 have been canceled without prejudice to further prosecution on the merits. Claims 36-39 and 41 have been amended. New Claims 48-50 have been added to provide claims of varying scope. Accordingly, Claims 36-42 and 48-50 will be pending in the present Application upon entry of this Amendment and Reply.

A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

Claim Rejections – 35 U.S.C. § 112 ¶ 2

On page 2 of the Detailed Action, the Examiner rejected Claims 45-47 under 35 U.S.C. § 112 ¶ 2 as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. Specifically, the Examiner noted that there is no antecedent basis for “The drum.” Also on page of the Detailed Action, the Examiner rejected Claims 35-42 under 35 U.S.C. § 112 ¶ 1 as failing to comply with the written description requirement. Specifically, the Examiner alleged that “[t]he new limitation ‘non-metallic helical wall’ is considered new matter because the genus, although polymeric materials are described, this does not constitute a description of the full scope of the genus ‘non-metallic.’”

In response to the rejection under 35 U.S.C. § 112 ¶ 2, the Applicants note that Claims 45-47 have been canceled without prejudice to further prosecution on the merits. Accordingly, the Applicants believe that this rejection is now moot. In response to the rejection under 35 U.S.C. § 112 ¶ 1, the Applicants have amended the claims to replace the term “non-metallic” with the term “polymeric.” The Applicants wish to make it clear that they do not agree

to or acquiesce in this rejection under 35 U.S.C. § 112 ¶ 1. The claims have been amended only to further advance the prosecution of the present Application.

Accordingly, the Applicants respectfully request withdrawal of the rejection of Claims 45-47 under 35 U.S.C. § 112 ¶ 2 and the rejection of Claims 35-42 under 35 U.S.C. § 112 ¶ 1.

Claim Rejections – 35 U.S.C. § 102

On page 3 of the Detailed Action, the Examiner rejected Claims 35, 41 and 44-47 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,178,457 (“Helmy”).

The Applicants believe that this rejection is now moot. Claims 35 and 44-47 have been canceled without prejudice to further prosecution on the merits and Claim 41 has been amended to now depend from a claim that was only rejected under 35 U.S.C. § 112 ¶ 1 detailed above (i.e., Claim 36, which has been rewritten in independent form to overcome the rejection under 35 U.S.C. § 112 ¶ 1 and to include all of the subject matter of Claim 35). Accordingly, the Applicants respectfully request withdrawal of this rejection and allowance of Claim 41.

Claim Rejections – 35 U.S.C. § 103

On pages 3-4 of the Detailed Action, the Examiner rejected Claim 42 under 35 U.S.C. § 103(a) as being unpatentable over Helmy in view of WO 01/26,871 (“Rodgers”). On page 4 of the Detailed Action, the Examiner rejected Claims 35, 37, 38, 40 and 43 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,391,108 (“Albers”).

The Applicants once again believe that these rejections are now moot. With regard to the rejection of Claim 42, the Applicants note that Claim 42 depends from Claim 41, which has been amended to depend from independent Claim 36 as detailed above. With regard to the rejection of Claims 35, 37, 38, 40 and 43, the Applicants first note that Claim 43 was previously canceled without prejudice to further prosecution on the merits. The Applicants

further note that independent Claim 35 has now been canceled without prejudice to further prosecution on the merits. Claims 37, 38 and 40 now depend from independent Claim 36 (which was only rejected under 35 U.S.C. § 112 ¶ 1). The Applicants note that the Amendment and Reply filed on June 24, 2009, the Applicants had previously amended Claim 37 to depend from Claim 36 rather than Claim 35. However, the way in which the amendment was made (i.e., by showing the amendment as “36[[5]]” rather than “[[35]] 36”) was apparently not clear to the Examiner, otherwise the Applicants submit that Claims 37, 38 and 40 would not have been rejected. The Applicants apologize for any confusion that may have been created. Accordingly, the Applicants respectfully request withdrawal of these rejections and allowance of Claim 37, 38, 40 and 42.

New Claims

The Applicants have added new Claims 48-50 to provide claims of varying scope. New Claims 48-50, which depend from independent Claim 36, are allowable therewith at least because of their dependency, without regard to the further patentable subject matter set forth in such claims. Consideration and allowance of new Claims 48-50 is respectfully requested.

* * *

The Applicants respectfully submit that each and every pending rejection has been overcome, and that the present Application is in a condition for allowance. In particular, even when the elements of the Applicants' claims, as discussed above, are given a broad construction and interpreted to cover equivalents, the cited references do not teach, disclose, or suggest the claimed subject matter. Favorable reconsideration of the Application is respectfully requested.

Further, the Applicants respectfully put the Patent Office and all others on notice that all arguments, representations, and/or amendments contained herein are only applicable to the present Application and should not be considered when evaluating any other patent or patent application including any patents or patent applications which claim priority to this patent

application and/or any patents or patent applications to which priority is claimed by this patent application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, the Applicants hereby petition for such extension under 37 C.F.R. § 1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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